

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DOMINIQUE DARNELL ROBINSON,
Plaintiff,

v.

Case No. 13-CV-00480

TIMOTHY DOUMA, and
NEW LISBON CORRECTIONAL INSTITUTE,
Defendants.

ORDER

Plaintiff Dominique Robinson filed a pro se complaint under 42 U.S.C. § 1983 on April 30, 2013. He also filed a motion to withdraw the \$350.00 filing fee for this action from his prison release account. Plaintiff submits that he has insufficient funds in his general account to pay the filing fee but sufficient funds in his release account.

The Prison Litigation Reform Act ("PLRA") requires courts to collect filing fees from "prisoner's accounts." 28 U.S.C. § 1915(b). The term "prisoner's account" encompasses both a prisoner's release account and general account. Spence v. McCaughtry, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, "given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the court does not deem it prudent to routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA." Smith v. Huibregtse, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the court will allow a plaintiff to pay a filing fee out of his release account. Doty v. Doyle, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

In this case, plaintiff's desire to have the full filing fee deducted from his release account is clear and he has sufficient funds in his release account to pay the full filing fee.

THEREFORE, IT IS ORDERED that plaintiff's motion to withdraw filing fee from prison release account (Docket #2) is **GRANTED**.

IT IS FURTHER ORDERED that, upon plaintiff's request, the warden at New Lisbon Correctional Institution shall withdraw \$350.00 from plaintiff's release account and forward that sum to the Clerk of this Court as plaintiff's filing fee in this action. Such payment is to be made within 21 days of the date of this order.

IT IS ALSO ORDERED that a copy of this order be sent to the warden at New Lisbon Correctional Institution.

Dated at Milwaukee, Wisconsin, this 2nd day of April 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge